

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 21, 1999 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandebosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 193, 1/19/1999
Executive Action: SB 38; SB 74; SB 142; SB 166;
SB 207; SB 193

HEARING ON SB 193

Sponsor: **SENATOR DON HARGROVE, SD 16, Belgrade**

Proponents:

Gordon Morris, MACo

Jim Greene, MT Disaster and Emergency Services

Dennis Burr, MT Taxpayers Assoc.

Don Waldron, Rural Education Assoc.

Opponents: None

Opening Statement by Sponsor:

SENATOR DON HARGROVE, SD 16, Belgrade, said the State of Montana has \$2 Million set aside for emergencies in the counties. **SB 193** uses the \$2 Million as a guarantee for the counties when they have emergencies. In the past, they had the authorization for two mills. Depending on the municipality, it can be as little as \$4000 or up to \$260,000. This allows the counties to use the two mills worth of money and then have their levy election as required by CI-75. If the voters do not approve it, then the state will withhold funds that normally flow to the counties. School budgets are not affected by this bill.

Proponents' Testimony:

Gordon Morris, MACo, said this bill deals with CI-75. This bill does have a cost associated with it relative to elections.

Jim Greene, MT Disaster and Emergency Services, said this bill allows the state to loan an amount equal to the two mill levies and then after it goes to election the money is repaid one way or another. This bill is beneficial to local governments and will take care of concerns of existing statutes. This bill does have the potential to commit the \$2 Million faster than in the past. But **HB 75** is combining the \$2 Million fund with the \$10 Million wild fire fund into one governor's disaster fund. This legislation does not change however the criteria for implementing those funds.

Dennis Burr, MT Taxpayers Assoc., said this is an innovative way to comply with CI-75. He said a number of years ago in Jefferson Co. there was a flood that washed out part of the interstate and they had to put two mills on in order to collect federal money to replace culverts, etc. In Jefferson Co. two mills raises \$49,000 and in Boulder it raises \$1676. There are only two counties in the state that can raise as much as \$200,000.

Don Waldron, Rural Education Assoc., said the school money is not going to be touched. When there are emergencies in these

counties, the schools and county commissioners are very key people in getting these things taken care of.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR JON TESTER asked if \$13,650 is for the half time FTE and what would he be doing? **SENATOR HARGROVE** referred to the fiscal note in that the FTE would deal with declarations being open longer and funding to political subdivisions will require more analysis for accurate accounting of the funds.

Closing by Sponsor:

SENATOR HARGROVE said this is a very responsible thing to do. Without it, the communities are at risk by not being able to respond to emergencies.

{Tape : 1; Side : A; Approx. Time Counter : 3:15 p.m.}

EXECUTIVE ACTION ON SB 193

Motion/Vote: SEN. J.D. LYNCH moved that SB 193 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 166

Motion: SEN. LYNCH moved to ADOPT THE AMENDMENTS TO SB 166.
EXHIBIT(los16a01)

Discussion:

Mary Vandembosch explained the amendments. **EXHIBIT (1)**

Vote: Motion carried unanimously.

Motion: SEN. LYNCH moved that SB 166 DO PASS AS AMENDED.

Discussion:

SENATOR DALE MAHLUM stated on page 1, line 13-14 of the bill it says any motor vehicle found abandoned must be picked up in 48 hours. There are a lot of vehicles that stay out their 4 or 5 days and this is a problem. He said there was a car on the interstate that had been there for about 4 days and another car ran into it and that person was killed.

CHAIRMAN MIKE SPRAGUE said this bill has come to the legislature every year. There is no money for the tow truck operators and they don't want to get the vehicle because they don't get paid for it.

SENATOR LYNCH said this section is present law, they just don't enforce it.

Vote: Motion **carried unanimously.**

EXECUTIVE ACTION ON SB 207

Motion: **SEN. DUANE GRIMES** moved that the **AMENDMENTS BE ADOPTED FOR SB 207. EXHIBIT (los16a02)**

Discussion:

SENATOR GRIMES explained the amendments. **EXHIBIT (2)**

Vote: Motion **carried 10-1 with SEN. BILL GLASER voting no.**

Discussion:

SENATOR GLASER said he would prefer if the bill would just say educational. There could be some problems when they talk about charitable, religious, and scientific purposes.

SENATOR KEN MILLER said there may be a constitutional problem with having religion in there.

SENATOR CHRIS CHRISTIAENS said the sponsor had indicated that there would be some amendments. **Mary Vandebosch** said she had not been confronted by the sponsor for any amendments.

SENATOR DOROTHY ECK said she would like to have article 10, section 6 read. **Mary Vandebosch** said the portion of the Constitution that the word religion violates is section 5, article 2. The bill does reference article 10, section 6. She read this section. If counties were to donate property to a non-profit for religious purposes that would raise an establishment issue.

SENATOR LYNCH said nothing precludes them from selling a building for one dollar. He said in Butte, the Baptist Church bought the McKinley school for one dollar and now it is the Park Street Baptist Church.

Mary Vandenbosch said the part of the Constitution that raises a constitutional issue is Article 2, section 5.

SENATOR ECK said she would prefer not to take action on this bill until later.

EXECUTIVE ACTION ON SB 38

Motion: **SEN. HARGROVE** moved that the **AMENDMENT FOR SB 38 BE ADOPTED**.

Discussion:

SEN. HARGROVE said on page 1, line 11, he would like to strike the words "by surname".

SEN. LYNCH said this is not a great bill and this won't improve it.

SEN. GRIMES said they need to do something for the small town printers.

CHAIRMAN SPRAGUE said he talked to the sponsor about amendments such as alphabetical etc. and the sponsor does not want any changes.

Substitute Motion/Vote: **SEN. LYNCH** made a substitute motion that **SB 38 BE TABLED**. Substitute motion carried 7-4 on a roll call vote.

EXECUTIVE ACTION ON SB 74

Discussion:

SEN. MILLER said there is a lot of misunderstanding about this bill. Many of the water districts think they have to start billing the tenant, wherein the past it has been the responsibility of the property owner and this doesn't apply. "Renter" needs to be defined as "tenant."

SEN. LYNCH stated he wants to prevent water rates from going up to every user in Silverbow Co. The property owner should have some kind of notification that their water is not being paid and it should be within 30 days. If a tenant leaves town, there should be no reconnect fee for the property owner. They should only have to pay the unpaid fees.

SEN. ECK said MT Power Company will send a notice to the landlord that apartment 1 is not paying their bill and it is being

transferred to the landowner. Then a few days later, they get a letter back saying to disregard this it has been paid by the tenant. But at least the landlord knows if there is a potential problem.

SEN. MAHLUM responed when he was in business, they used to send out 500 bills a month and at the end of 30 days they sent out a 10 day notice. If the 10 days went by, then there was a phone call to find out why they had not paid their bill. The people who oppose this bill are bureaucratic municipalities and they don't have their own money invested, it is stockholder money.

SEN. HARGROVE said somebody is going to have to pay the water bill. It is important to keep the utilities going and he thinks the current system is okay.

SEN. MILLER said they would defer on executive action until next time.

EXECUTIVE ACTION ON SB 142

Motion: **SEN. LYNCH** moved that the **AMENDMENT FOR SB 142 BE ADOPTED. EXHIBIT (los16a03)**

Discussion:

Mary Vandebosch explained the amendment. **EXHIBIT (3)**

Vote: Motion **carried unanimously.**

Discussion:

SEN. TESTER asked what impact is this going to have on local government. **SEN. GLASER** said the current law is confusing and this makes everyone do it the same. He said there isn't any fiscal impact.

SEN. TESTER said he is concerned because his county commissioners came to him and said it would cost their county a significant amount of money. However maybe they are not understanding the bill. **Gordon Morris** said counties are either doing it this way already with no fiscal impact or are doing it incorrectly and they are paying slightly more.

SEN. GRIMES responded there is some confusion with the current language. What could of happened is counties were not calculating the one percent of their base annual salary for all the years

they have served. **Gordon Morris** referred to pay calculations for Deputy Sheriffs. **EXHIBIT (los16a04)**

SEN. GRIMES stated he doesn't see in the original language the 7-4-2508 as being referred to in the original statutes. **Gordon Morris** said this is new language and it is the actual percentage as opposed to the minimum.

SEN. MILLER asked if there shouldn't be a fiscal note with this bill. **SEN. GRIMES** said the fiscal note would only show a savings rather than a cost. **Gordon Morris** said if they are calculating it wrong they are getting \$160 more. **EXHIBIT (4)**

Motion: **SEN. LYNCH** moved that **SB 142 DO PASS AS AMENDED**. Motion carried unanimously.

ADJOURNMENT

Adjournment: 3:58 P.M.

SEN. MIKE SPRAGUE, Chairman

JODI PAULEY, Secretary

MS/JP

EXHIBIT (los16aad)